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Attorneys for Plaintiff Affinity Labs of Texas, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

AFFINITY LABS OF TEXAS, LLC,

Plaintiff,

v.

NIKE, INC. and APPLE INC.,

Defendants.

CASE NO. 4:10-cv-05543-CW

**STIPULATION TO CONTINUE CASE
DEADLINES REGARDING DEFENDANT
APPLE INC. AND [~~PROPOSED~~] ORDER**

Judge: Hon. Claudia Wilken

1 IT IS HEREBY STIPULATED by and between Plaintiff Affinity Labs of Texas, LLC
2 (“Affinity”) and Defendant Apple Inc. (“Apple”) as follows:

3 WHEREAS, in accordance with the Court’s instructions, Affinity and Apple have been
4 working diligently to reach a settlement that would include this litigation and Case No. CV 09-
5 4436-CW, pending before this Court between Affinity and Apple, including attending three
6 separate mediation sessions with the Mediator, Hon. Edward A. Infante (Ret);

7 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN AFFINITY
8 AND APPLE, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE
9 APPROVAL OF THE COURT, AS FOLLOWS:

- 10 1. The date for serving Patent L.R. 3-3 invalidity contentions currently due on
11 August 26, 2011 will be continued to September 23, 2011;
12 2. The date for serving documents as required by Patent L.R. 3-4 currently due on
13 August 29, 2011 will be continued to September 26, 2011; and
14 3. All other deadlines will remain unchanged.

15 These changes will not affect any other deadlines before the Court.

16 Dated: August 24, 2011

RICHARD L. SEABOLT
L. NORWOOD JAMESON
MATTHEW C. GAUDET

DUANE MORRIS LLP

20 By: /s/ Matthew C. Gaudet
21 Matthew C. Gaudet

22 Attorneys for Plaintiff AFFINITY LABS OF
23 TEXAS, LLC

Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of this document has been obtained from Darin W. Snyder.

Dated: August 24, 2011

RICHARD L. SEABOLT
L. NORWOOD JAMESON
MATTHEW C. GAUDET

DUANE MORRIS LLP

By: /s/ Matthew C. Gaudet
Matthew C. Gaudet

Attorneys for Plaintiff AFFINITY LABS OF TEXAS, LLC

Dated: August 24, 2011

GEORGE A. RILEY
DARIN W. SNYDER
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DARIN J. GLASSER
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O'MELVENY & MYERS LLP

By: /s/ Darin W. Snyder
Darin W. Snyder

Attorneys for Defendant APPLE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: 8/25/2011


Honorable Claudia Wilken
United States District Judge